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U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:09-cv-01900-OWW -SMS

Lion Raisins, Inc. v. United States Department of Agriculture et al
Assigned to: Senior Judge Oliver W. Wanger
Referred to: Magistrate Judge Sandra M. Snyder
Related Case: [1:08-cv-00358-OWW -SMS](#)
Cause: 05:552 Freedom of Information Act

Date Filed: 10/28/2009
Date Terminated: 06/29/2011
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Lion Raisins, Inc.

represented by **Wesley Tracy Green**
Corporate Counsel of Lion Raisins, Inc.
9500 S. DeWolf
Selma, CA 93622
559-834-6677
Fax: 559-834-4587
Email: wgreen@lionraisins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Agriculture

represented by **Benjamin E. Hall**
United States Attorney
2500 Tulare Street
Suite 4401
Fresno, CA 93721
559-497-4040
Fax: 559-497-4099
Email: Benjamin.Hall3@usdoj.gov

Defendant**United States Department of Justice**

represented by **Benjamin E. Hall**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/28/2009	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF [FREEDOM OF INFORMATION ACT] against all defendants by Lion Raisins, Inc.. Attorney Green, Wesley Tracy added. (Attachments: # <u>1</u> Exhibit Attachment 1 in Support of Complaint, # <u>2</u> Exhibit Attachment 2A in Support of Complaint, # <u>3</u> Exhibit Attachment 2B in Support of Complaint, # <u>4</u> Exhibit Attachments 3-6 in Support of Complaint, # <u>5</u> Exhibit Attachments 7-12 in Support of Complaint, # <u>6</u> Exhibit Attachment 13 in Support of Complaint, # <u>7</u> Exhibit Attachment 14 in Support of Complaint, # <u>8</u> Exhibit Attachment 15-25, # <u>9</u> Exhibit Attachment 26A in Support of Complaint, # <u>10</u> Exhibit Attachment 26B-27)(Green, Wesley) (Entered: 10/28/2009)
10/28/2009	<u>2</u>	SUMMONS RETURNED UNEXECUTED as to United States Department of Agriculture, United States Department of Justice. (Green, Wesley) (Entered: 10/28/2009)
10/28/2009	<u>3</u>	CIVIL COVER SHEET by Lion Raisins, Inc. (Green, Wesley) (Entered: 10/28/2009)
10/29/2009		RECEIPT number #CAE100008734 \$350.00 Civil Case Filing Fee by Lion Raisins on 10/29/2009. (Hellings, J) (Entered: 10/29/2009)
10/29/2009	<u>4</u>	SUMMONS ISSUED as to *United States Department of Agriculture, United States Department of Justice* with answer to complaint due within *60* days. Attorney *Wesley Tracy Green* *9500 S. DeWolf* *Selma, CA 93622*. (Sant Agata, S) (Entered: 10/29/2009)
10/29/2009	<u>5</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 2/3/2010 at 09:15 AM in Courtroom 7 (SMS) before Magistrate Judge Sandra M. Snyder. (Attachments: # <u>1</u> Standing Order, # <u>2</u> Consent Forms, # <u>3</u> VDRP Forms) (Sant Agata, S) (Entered: 10/29/2009)

11/03/2009	<u>6</u>	AMENDED COMPLAINT against Lion Raisins, Inc. by Lion Raisins, Inc.. (Attachments: # <u>1</u> Exhibit Attachment 1 in Support of Amended Complaint, # <u>2</u> Exhibit Attachment 2A in Support of Amended Complaint, # <u>3</u> Exhibit Attachment 2B in Support of Amended Complaint, # <u>4</u> Exhibit Attachments 3-6 in Support of Amended Complaint, # <u>5</u> Exhibit Attachments 7-12 in Support of Amended Complaint, # <u>6</u> Exhibit Attachment 13 in Support of Amended Complaint, # <u>7</u> Exhibit Attachment 14 in Support of Amended Complaint, # <u>8</u> Exhibit Attachments 15-25 in Support of Amended Complaint, # <u>9</u> Exhibit Attachment 26A in Support of Amended Complaint, # <u>10</u> Exhibit Attachment 26B-29 in Support of Amended Complaint)(Green, Wesley) (Entered: 11/03/2009)
11/30/2009	<u>7</u>	STIPULATION and PROPOSED ORDER for Time for Filing Response to Complaint by United States Department of Agriculture, United States Department of Justice. Attorney Hall, Benjamin E. added. (Hall, Benjamin) (Entered: 11/30/2009)
11/30/2009	<u>8</u>	STIPULATION and ORDER re: Time for Filing Response to Complaint: by 1/11/2010. signed by Judge Sandra M. Snyder on 11/30/2009. (Herman, H) (Entered: 11/30/2009)
12/11/2009	<u>9</u>	SUMMONS RETURNED EXECUTED by Lion Raisins, Inc.. Lion Raisins, Inc. served on 11/5/2009, answer due 1/4/2010., SUMMONS RETURNED EXECUTED: Lion Raisins, Inc. served on 11/5/2009, answer due 1/4/2010. (Green, Wesley) (Entered: 12/11/2009)
01/11/2010	<u>10</u>	ANSWER to COMPLAINT by United States Department of Agriculture, United States Department of Justice.(Hall, Benjamin) (Entered: 01/11/2010)
01/26/2010	<u>11</u>	JOINT SCHEDULING REPORT by United States Department of Agriculture, United States Department of Justice. (Hall, Benjamin) (Entered: 01/26/2010)
02/03/2010	12	MINUTES (Text Only Entry) for proceedings held before Judge Sandra M. Snyder: SCHEDULING CONFERENCE held on 2/3/2010. ORDER(s) TO BE ISSUED. Plaintiff's Counsel Wesley T. Green telephonically present. Defendant's Counsel AUSA Benjamin E. Hall present. Court Reporter/CD Number: N/A - in chambers; off record. (Robles, F.) (Entered: 02/03/2010)
02/05/2010	<u>13</u>	ORDER RELATING ACTIONS and REASSIGNING DISTRICT JUDGE signed by Magistrate Judge Sandra M. Snyder on 02/04/2010. Case reassigned to Judge Oliver W. Wanger for all further proceedings; new case number is 1:09-cv-1900 OWW SMS. (Flores, E) (Entered: 02/05/2010)

02/05/2010	14	SCHEDULING CONFERENCE ORDER: Motions for Summary Judgment Filing Deadline: 7/16/10; Responses to Motions for Summary Judgment Filing Deadline: 8/13/10; Replies to Responses to Motions for Summary Judgment Filing Deadline: 8/27/10. Hearing on Motions for Summary Judgment set for 9/13/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN THE IMPOSITION OF SANCTIONS. Order signed by Magistrate Judge Sandra M. Snyder on 2/5/2010. (Timken, A) (Entered: 02/05/2010)
02/19/2010	15	NOTICE of RELATED CASE CIV-F-01-5050-OWW-DLB, 1:08-CV-00358-OWW-SMS, 1:10-CV-00217-AWI-DLB by Lion Raisins, Inc.. (Green, Wesley) (Entered: 02/19/2010)
07/02/2010	16	REQUEST for <i>Dismissal</i> by Lion Raisins, Inc.. (Green, Wesley) (Entered: 07/02/2010)
07/06/2010	17	CLERK'S NOTICE to Wesley Green: (Text Entry Only) In the Fresno Division of the Eastern District of California, all Dismissals require the approval of the assigned District Judge. Please refile your document as a Request with Proposed Order, including a line for the judge's signature, and email a copy of the proposed order in word or word perfect format to Judge Wanger at owworders@caed.uscourts.gov. (Gaumnitz, R) (Entered: 07/06/2010)
07/08/2010	18	REQUEST for <i>Dismissal</i> ; [<i>PROPOSED</i>] <i>Order Thereon</i> by Lion Raisins, Inc.. (Green, Wesley) (Entered: 07/08/2010)
07/08/2010	19	PROPOSED ORDER Response to Request for Dismissal and Proposed Order re 18 Request by United States Department of Agriculture, United States Department of Justice. (Hall, Benjamin) (Entered: 07/08/2010)
07/09/2010	20	Defendant's Response to Request For Dismissal and ORDER, signed by Judge Oliver W. Wanger on 7/8/2010. <i>Motion for Summary Judgment set 9/13/2010 is VACATED. Motion to Enforce Settlement Agreement to be filed by 7/23/2010.</i> (Gaumnitz, R) (Entered: 07/09/2010)
07/23/2010	21	MOTION Enforce Settlement Agreement by United States Department of Agriculture, United States Department of Justice. Motion Hearing set for 10/18/2010 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # 1 Points and Authorities in Support of Defendants' Motion to Enforce Settlement Agreement, # 2 Declaration of Robert C. Keeney in Support of Defendants' Motion to Enforce Settlement Agreement)(Hall, Benjamin) (Entered: 07/23/2010)
10/04/2010	22	OPPOSITION by Lion Raisins, Inc. to 21 MOTION Enforce Settlement Agreement. (Attachments: # 1 Declaration of Wesley T. Green, # 2 Exhibit in Support of Declaration of Wesley T. Green)(Green, Wesley) (Entered: 10/04/2010)

10/11/2010	23	REPLY by United States Department of Agriculture, United States Department of Justice re 21 MOTION Enforce Settlement Agreement, 22 Opposition to Motion. (Hall, Benjamin) (Entered: 10/11/2010)
10/18/2010	24	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger: MOTION HEARING held on 10/18/2010. Matter was argued and submitted. 21 Motion To Enforce Settlement Agreement was DENIED for reasons as stated in open Court. Parties requested a settlement Conference before the Magistrate Judge. Plaintiffs Counsel W. Green present. Defendants Counsel B. Hall present. Court Reporter/CD Number: K. Hooven. (Gaumnitz, R) (Entered: 10/25/2010)
10/25/2010	25	MINUTE ORDER: (Text Entry Only) The parties have indicated willingness to participate in a settlement conference before Magistrate Judge Sandra M.Snyder re: any remaining disputes. The parties shall coordinate with J. Snyder's Chambers re scheduling of a settlement conference. If a global settlement is reached, the parties shall file appropriate settlement papers within ten days of execution of the settlement agreement. If the parties are unable to reach agreement, the parties shall promptly contact Judge Wanger's Courtroom deputy to set a scheduling conference to discuss further proceedings in this matter. (Gaumnitz, R) (Entered: 10/25/2010)
10/26/2010	26	NOTICE <i>re Settlement Conference</i> set 12/14/10 @ 11:00am before Judge Snyder (SMS) by Lion Raisins, Inc. re 25 Minute Order, 24 Motion Hearing, Order on Motion for Miscellaneous Relief. (Green, Wesley) (Entered: 10/26/2010)
12/10/2010	27	MINUTE ORDER (Text Only Entry): The TIME of the SETTLEMENT CONFERENCE set 12/14/10 is ADVANCED from 11:00am to 10:00AM before Judge Snyder (SMS). Signed by Judge Sandra M. Snyder on 12/10/10. (Robles, F.) (Entered: 12/10/2010)
12/14/2010	28	MINUTES (Text Only Entry) for proceedings held before Judge Sandra M. Snyder: SETTLEMENT CONFERENCE not held on 12/14/10 as scheduled 26 : (1) Plaintiff's counsel mis-calendared 27 and did not appear; (2) Court initiated telephonic conference as Defendants' counsel personally appeared; (3) Settlement Conference would have been unproductive in any event inasmuch as the Court determined via confidential settlement conference statements that counsel/parties not in agreement re: what remains unresolved or if there was a global settlement as to all parties 25 . Counsel DIRECTED to confer with clients: (A) to explore agreement for Magistrate Judge to review 34-page OIG Report in question to determine discoverability, as well as (B) stipulating to no appeal to District Judge if displeased with Magistrate Judge order. TELEPHONIC STATUS CONFERENCE is SET 1/5/11 @ 10:00am before Judge Snyder (SMS). Plaintiff's Counsel Wesley Green telephonically present (after Court initiated telephonic conference). Defendants' Counsel AUSA Benjamin Hall personally present. Court Reporter/CD Number: N/A - in chambers; off record. (Robles, F.) (Entered: 12/14/2010)

01/05/2011	29	MINUTE ORDER: (Text Entry Only) Scheduling Conference set for 2/4/2011 at 08:15 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. An Amended Joint Scheduling Conference Statement is required and must be electronically filed in CM/ECF 7 days before the hearing date and shall be emailed, in WordPerfect or Word format, to owworders@caed.uscourts.gov. Plaintiff to set forth any and all amendments to its complaint and/or other actions against the Defendant USDA and/or other defendants associated with the herein law suit. (Gaumnitz, R) (Entered: 01/05/2011)
01/05/2011	30	MINUTES (Text Only Entry) for proceedings held before Judge Sandra M. Snyder: [FOLLOW-UP] STATUS CONFERENCE held on 1/5/11 re: exploration of global settlement, status of production of OIG Report, declared by Defendant to be privileged/confidential/non-discoverable. It is clear to this Court that global settlement is extremely unlikely. Case referred back to Judge Wanger 25 for Scheduling Conference SET 2/4/11 @ 8:15am 29 , for which an Amended Joint Scheduling Report 11 is timely required, wherein Plaintiff is DIRECTED to set forth any and all amendments to its complaint and/or other actions against Defendant USDA and/or other defendants associated with the herein lawsuit. Plaintiff's Counsel Wesley Green telephonically present (after Court initiated telephonic contact). Defendants' Counsel AUSA Benjamin Hall present. Court Reporter/CD Number: N/A - in chambers; off record. (Robles, F.) (Entered: 01/05/2011)
01/28/2011	31	FIRST AMENDED SCHEDULING REPORT by United States Department of Agriculture, United States Department of Justice. (Hall, Benjamin) (Entered: 01/28/2011)
02/04/2011	32	MINUTE ORDER: (Text Entry Only) Due to the availability of Counsel, Scheduling Conference previously set for 2/4/2011 has been CONTINUED to 2/11/2011 at 08:15 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Gaumnitz, R) (Entered: 02/04/2011)
02/11/2011	33	MINUTES (Text Only) for proceedings held before Judge Oliver W. Wanger: INTIAL SCHEDULING CONFERENCE held in chambers and off the record on 2/11/2011. Written order to follow. Plaintiffs Counsel W. Green present. Defendants Counsel B. Hall present. (Gaumnitz, R) (Entered: 02/11/2011)
02/14/2011	34	SCHEDULING CONFERENCE ORDER: Cross-Motions for Summary Judgment filing ddl 6/20/2011, Opposition Thereto Filing ddl 7/18/2011, Motion Hearing set for 8/29/2011 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger, signed by Judge Oliver W. Wanger on 2/11/2011. (Kusamura, W) (Entered: 02/14/2011)

06/09/2011	35	MINUTE ORDER (Text Only Entry): Pursuant to the Scheduling Conference Order 34 , that inadvertently did not reflect the date of the settlement conference set in the caption, and due to the unavailability of the Court, as well as the upcoming deadline of 6/20/11 for cross-motions for summary judgment, the SETTLEMENT CONFERENCE set 6/15/11 @ 10:00am before Judge Snyder (SMS) [Doc. 34, pg. 6] is VACATED. Signed by Judge Sandra M. Snyder on 6/9/11. (Robles, F.) (Entered: 06/09/2011)
06/20/2011	36	MOTION for SUMMARY JUDGMENT by United States Department of Agriculture, United States Department of Justice. Motion Hearing set for 8/29/2011 at 10:00 AM in Courtroom 3 (OWW) before Judge Oliver W. Wanger. (Attachments: # 1 Points and Authorities, # 2 Declaration of Colleen Carroll, # 3 Declaration of Dione Jackson with Exhibits 1-9, # 4 Declaration of Sally Kenney, # 5 Declaration of Sharon Yamaguchi, # 6 Declaration of Betty Ollila with Exhibits 1-6, # 7 Declaration of Alison Decker Part 1 of 5, # 8 Declaration of Alison Decker Part 2 of 5, # 9 Declaration of Alison Decker Part 3 of 5, # 10 Declaration of Alison Decker Part 4 of 5, # 11 Declaration of Alison Decker Part 5 of 5)(Hall, Benjamin) (Entered: 06/20/2011)
06/21/2011	37	CLERK'S NOTICE TO Benjmamin Hall: (Text Entry Only) It is the Court's preference (see ECF Rules C-7) that documents be electronically converted to pdf. Your Motion for Summary Judgment,(Doc. 36-1) appears to have been scanned. In the future, please convert your documents electronically. (Gaumnitz, R) (Entered: 06/21/2011)
06/28/2011	38	STIPULATION of DISMISSAL [<i>Proposed</i>] <i>Order Thereon</i> by Lion Raisins, Inc.. (Green, Wesley) (Entered: 06/28/2011)
06/29/2011	39	STIPULATION of DISMISSAL; ORDER Thereon, signed by Judge Oliver W. Wanger on 6/28/11. CASE CLOSED. (Gonzalez, R) (Entered: 06/29/2011)

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